

Serial No. 09/942,995
Docket No. H07-137077M/STS

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REMARKS

An excess claim fee payment letter is submitted herewith for one (1) excess total claim.

Claims 1-23 are all the claims presently pending in the application.

As a preliminary matter, Applicant's representative would like to thank Examiner Murphy for courtesies extended in the telephone conference conducted on April 14, 2006, in which the Examiner kindly agreed to await the Preliminary Amendment prior to issuing the first Office Action after the filing of the RCE on April 10, 2006.

As mentioned in the telephone conference, new claim 23 is added to provide more varied protection for the present invention to raise a new issue for the Examiner's consideration. New claim 23 defines the combination of features recited in claims 1+3+8+13+22, which has not been presented earlier. Thus, such is believed to raise a new issue, thereby to preclude a "first-action" final rejection after the filing of the RCE.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicant submits that none of the cited references, either alone or in combination, discloses or suggests the claimed combination of features recited in new claim 23.

Applicant also incorporate herein by reference in their entirety the traversal arguments set forth in the Amendment under 37 C.F.R. § 1.116 filed on February 23, 2006.

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CONCLUSION

In view of the foregoing, Applicant submits that claims 1-23, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: April 19, 2006


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CERTIFICATE OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 the enclosed Preliminary Amendment under 37 C.F.R. § 1.114 to Examiner Dillon J. Murphy, Art Unit 2624, on April 19, 2006.


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